

ASSEMBLY BILL

No. 738

Introduced by Assembly Member Beth Gaines

February 25, 2015

An act to amend Sections 102053 and 102054 of, to add Section 102056 to, and to repeal and add Sections 102052.5 and 102055 of, the Public Utilities Code, relating to public transit.

LEGISLATIVE COUNSEL'S DIGEST

AB 738, as introduced, Beth Gaines. Sacramento Regional Transit District.

Existing law provides for the creation of the Sacramento Regional Transit District, with specified powers and duties relative to the provision of public transit services. Existing law describes the authorized boundaries of the district, as specified, and provides that the boundaries of the district, at any point in time, shall consist of the area of any city or county within the authorized boundaries where the governing board of the city or county has declared a need for the district to operate. Existing law authorizes the district to operate in any city or county where the need for the district to operate has been declared, except that the district has no power to levy an ad valorem property tax unless a city or county adopts a specified resolution. Existing law also provides for a city or county to annex to the district through a written request to the district and approval by the Sacramento Area Council of Governments.

This bill would revise and recast these provisions. The bill would provide that the boundaries of the district, at any point in time, shall consist of specified areas, including a city or county that has acted to annex to the district, and a city incorporated on or after January 1, 2016,

if the newly incorporated city consists of territory that was included in the district prior to incorporation. The bill would require an annexation to be subject to an agreement between the annexing city or county and the district board specifying the terms and conditions of annexation, and would delete the requirement for approval of annexation by the Sacramento Area Council of Governments. The bill would also provide procedures for detachment of territory within the district by a specified supermajority vote of the district board.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 102052.5 of the Public Utilities Code is
2 repealed.
3 ~~102052.5. The boundaries of the district, at any point in time,~~
4 ~~shall include (a) all the area of any city eligible to participate under~~
5 ~~Section 102051 or 102055 in which the governing body has~~
6 ~~declared a need for the district to operate and (b) that area of any~~
7 ~~county eligible to participate under Section 102051 or 102055~~
8 ~~within which the governing body has declared a need for the district~~
9 ~~to operate.~~
10 SEC. 2. Section 102052.5 is added to the Public Utilities Code,
11 to read:
12 102052.5. (a) The boundaries of the district shall include (1)
13 the City of Sacramento and the City of Rancho Cordova; (2) the
14 unincorporated territory of the County of Sacramento that is within
15 the urban service area, as determined by the Board of Supervisors;
16 (3) a city or county listed in Section 102051 that has annexed to
17 the district pursuant to the process specified in Section 102055;
18 and (4) a city incorporated on or after January 1, 2016, which city
19 consists entirely of territory that was included in the district prior
20 to the city's incorporation.
21 (b) (1) The boundaries of the district shall not be affected by
22 the incorporation of any territory wholly or partly within the
23 boundaries of the district or by reason of annexation to or
24 detachment from any city or territory wholly or partly within the
25 boundaries of the district, except as provided in this section.
26 (2) Where territory outside the district is annexed to any city
27 included in the district, that territory shall, upon the completion

1 of the annexation proceeding, be deemed incorporated into and
2 annexed to the district.

3 (3) Where territory is incorporated as a new city, on or after
4 January 1, 2016, and is partly within and partly outside the district,
5 the entire territory shall, upon completion of the incorporation
6 proceeding, be deemed incorporated into and annexed to the
7 district.

8 (c) Whenever territory is deemed incorporated into and annexed
9 to the district pursuant to this section, that territory shall be subject
10 to taxation, in accordance with the assessable valuation of the
11 property in that territory for general district purposes and for
12 payment of any indebtedness previously or thereafter incurred by
13 the district.

14 SEC. 3. Section 102053 of the Public Utilities Code is amended
15 to read:

16 102053. The district may operate and exercise the powers under
17 this part within any city, provided that the district shall have no
18 power to levy an ad valorem property tax within the boundaries
19 of any city, ~~as provided in Article 7 (commencing with Section~~
20 ~~102330) of Chapter 5 of this part, unless the city council of the~~
21 ~~city adopts a resolution declaring there is a need for the district to~~
22 ~~operate and levy a tax within the boundaries of the city; that is not~~
23 ~~within the boundaries of the district as defined in Section 102052.5.~~

24 SEC. 4. Section 102054 of the Public Utilities Code is amended
25 to read:

26 102054. The district may operate and exercise the powers under
27 this part within all or a part of the ~~herein described~~ unincorporated
28 area of any ~~county~~. ~~However, county, provided that~~ the district
29 shall have no power to levy an ad valorem property tax within ~~any~~
30 ~~such~~ the unincorporated area, ~~as provided in Article 7 (commencing~~
31 ~~with Section 102330) of Chapter 5 of this part, unless the board~~
32 ~~of supervisors of the county adopts a resolution declaring there is~~
33 ~~a need for the district to operate and levy a tax within the~~
34 ~~unincorporated area of the county or so much of the unincorporated~~
35 ~~area as described in the resolution; that is not within the boundaries~~
36 ~~of the district as defined in Section 102052.5.~~

37 SEC. 5. Section 102055 of the Public Utilities Code is repealed.

38 ~~102055. Any city or county may annex to and become a part~~
39 ~~of the district upon approval by the board of directors following~~
40 ~~(1) written request by that city or county to the district for that~~

~~1 annexation, and (2) approval of that annexation by the Sacramento
2 Area Council of Governments. Approval of annexation by the
3 board shall be made by adoption of a resolution to that effect.~~

4 SEC. 6. Section 102055 is added to the Public Utilities Code,
5 to read:

6 102055. (a) Any city or county listed in Section 102051 may
7 be annexed to the district in the manner provided in this section,
8 and if the annexation is successful, the city or county, as the case
9 may be, shall be entitled to one member on the district's board of
10 directors.

11 (b) The legislative body of the city or county proposed to be
12 annexed shall agree in writing with the board of directors upon
13 the terms and conditions of annexation, which agreement, among
14 other things, may provide for the levy and collection of special
15 taxes within the city or unincorporated area of the county in
16 addition to the taxes otherwise provided for in this part; the fixing
17 of rates, rentals, and charges differing from those fixed or existing
18 elsewhere within the district; the incurring or assumption of
19 indebtedness; the making of a payment or payments; or the transfer
20 of property, real and personal, and other assets to the district by
21 the city or county.

22 SEC. 7. Section 102056 is added to the Public Utilities Code,
23 to read:

24 102056. (a) Territory within the district may be detached from
25 the district by a supermajority vote of the board of directors, which
26 shall be at least 80 percent of the nonweighted vote of the existing
27 board, provided that the detached territory shall not be relieved
28 from liability for taxation for the payment of any bonded
29 indebtedness existing at the time of detachment, and provided that
30 all other pending legal and financial obligations have been resolved
31 by mutual agreement.

32 (b) The detachment of territory from the district shall become
33 effective upon giving of the notice required in Section 57204 of
34 the Government Code.

35 (c) Notice of the detachment of territory from the district shall
36 be given to each assessor whose roll is used for a tax levy made
37 pursuant to this part and to the State Board of Equalization pursuant

- 1 to Chapter 8 (commencing with Section 54900) of Part 1 of
- 2 Division 2 of Title 5 of the Government Code.

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